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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 WILLIAM L SIMPSON,

Case No. 2:20-cv-00217-GMN-VCF

10 Plaintiff,

ORDER

11 v.

12 JO GENTRY, et. al.,

Defendants.

13 This action began with a *pro se* civil rights complaint filed pursuant to 42 U.S.C. §
14 1983 by a person who was a state prisoner. On January 28, 2021, this Court issued an
15 order directing Plaintiff to file his updated address with this Court within thirty (30) days.
16 (ECF No. 5.) The thirty-day period has now expired, and Plaintiff has not filed his updated
17 address or otherwise responded to the Court's order.

18 District courts have the inherent power to control their dockets and “[i]n the
19 exercise of that power, they may impose sanctions including, where appropriate . . .
20 dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831
21 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party’s failure
22 to prosecute an action, failure to obey a court order, or failure to comply with local rules.
23 See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance
24 with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal
25 for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856
26 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring
27 *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833
28 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson*

1 *v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and
 2 failure to comply with local rules).

3 In determining whether to dismiss an action for lack of prosecution, failure to obey
 4 a court order, or failure to comply with local rules, the court must consider several factors:
 5 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to
 6 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
 7 disposition of cases on their merits; and (5) the availability of less drastic alternatives.
 8 *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130;
 9 *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

10 In the instant case, the Court finds that the first two factors, the public's interest in
 11 expeditiously resolving this litigation and the Court's interest in managing the docket,
 12 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs
 13 in favor of dismissal, since a presumption of injury arises from the occurrence of
 14 unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See
 15 *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy
 16 favoring disposition of cases on their merits – is greatly outweighed by the factors in favor
 17 of dismissal discussed herein. Finally, a court's warning to a party that his failure to obey
 18 the court's order will result in dismissal satisfies the "consideration of alternatives"
 19 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779
 20 F.2d at 1424. The Court's order requiring Plaintiff to file his updated address with the
 21 Court within thirty (30) days expressly warned Plaintiff that, if he failed to timely comply
 22 with the order, his case would be subject to dismissal. (ECF No. 5 at 2.) Thus, Plaintiff
 23 had adequate warning that dismissal would result from his noncompliance with the
 24 Court's order to file his updated address within thirty (30) days.

25 It is therefore ordered that this action is dismissed without prejudice based on
 26 Plaintiff's failure to file an updated address in compliance with this Court's January 28,
 27 2021 order. If Plaintiff wishes to pursue any of his claims, he must file a complaint in a
 28 new action.

It is further ordered that the Clerk of Court shall enter judgment accordingly and close this case. **No further documents shall be filed in this closed case.**

DATED THIS 5 day of March 2021.

UNITED STATES DISTRICT JUDGE